

TTAB3 Exhibits
UNITED STATES PATENT AND TRADEMARK
OFFICE

Trademark Trial and Appeal Board

2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: September 21, 2001

Sterile Technology Industries, Inc.

223 S. West Street
Lebanon, IN 46052

Reg. No. 1991388
Cancellation No. 92040052

Edward R. Williams, Jr

10 Pleasant Street, Suite 300
Portsmouth, NH 03801

Barnstead/Thermolyne
Corporation

V.

Sterile Technology
Industries, Inc.

Pauline Stewart, Legal Assistant

A petition, a copy of which is attached, has been filed to
cancel the above-identified registration.

Proceedings will be conducted in accordance with the
Trademark Rules of Practice.

ANSWER IS DUE FORTY DAYS after the mailing date hereof.
(See Patent and Trademark Rule 1.7 for expiration date
falling on Saturday, Sunday or a holiday).

Proceedings will be conducted in accordance with the
Trademark Rules of Practice, set forth in Title 37, part 2,
of the Code of Federal Regulations. The parties are
reminded of the recent amendments to the Trademark Rules
that became effective October 9, 1998. See Notice of Final
Rulemaking published in the *Official Gazette* on September

29, 1998 at 1214 TMOG 145. Slight corrections to the rules, resulting in a correction notice, were published in the *Official Gazette* on October 20, 1998 at 1215 TMOG 64. A copy of the recent amendments to the Trademark Rules, as well as the *Trademark Trial and Appeal Board Manual of Procedure* (TBMP), is available at <http://www.uspto.gov>.

Discovery and testimony periods are set as follows:

Discovery period to open:	October 11, 2001
Discovery period to close:	April 9, 2002
30-day testimony period for party in position of plaintiff to close:	July 8, 2002
30-day testimony period for party in position of defendant to close:	September 6, 2002
15-day rebuttal testimony period for plaintiff to close:	October 21, 2002

A party must serve on the adverse party a copy of the transcript of any testimony taken during the party's testimony period, together with copies of documentary exhibits, within 30 days after completion of the taking of such testimony. See Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

NOTE: The Board allows parties to utilize telephone conferences to discuss or resolve many interlocutory matters that arise in inter partes cases. See the *Official Gazette* notice titled "Permanent Expansion of Telephone Conferencing on Interlocutory Matters in Inter Partes Cases Before the Trademark Trial and Appeal Board," 1235 TMOG 68 (June 20, 2000). A hard copy of the *Official Gazette* containing this notice is available for a fee from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (Telephone (202) 512-1800). The notice is also available at <http://www.uspto.gov>. Interlocutory matters which the Board agrees to discuss or

decide by phone conference may be decided adversely to any party which fails to participate.

If the parties to this proceeding are also parties to other Board proceedings involving related marks or, during the pendency of this proceeding, they become parties to such proceedings, they should notify the Board immediately, so that the Board can consider consolidation of proceedings.

FTAB

BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

2. Upon information and belief, Registrant uses the mark STI CHEM-CLAV in connection with chemically enhanced steam sterilization systems.

3. Petitioner, Barnstead/Thermolyne Corporation, is the owner of United States Trademark Registration No. 1,002,699 for the mark CHEMICLAVE for dental, medical and surgical sterilization apparatus in International Class 10, issuing on the Principal Register on January 28, 1975. A copy of the registration certificate for Registration No. 1,002,699 is attached hereto as Exhibit II. Said registration was based on an application filed prior to the date of filing of Respondent's application and prior to the date of Respondent's claimed date of first use. A copy of the renewal certificate for Petitioner's Registration No. 1,002,699 is attached hereto as Exhibit III. Petitioner's United States Trademark Registration No. 1,002,699 and the renewal certificate issued in the name of MDT Chemical Company (California corporation) and MDT Corporation (Delaware corporation) respectively, and Petitioner Barnstead/Thermolyne Corporation is the current owner of renewed Registration No. 1,022,699 and the CHEMICLAVE trademark by way of assignment and merger. Relevant ownership documentation is attached hereto as Exhibit IV. Said registered mark of Petitioner is valid and subsisting and is conclusive evidence of Petitioner's exclusive right to use the mark CHEMICLAVE in commerce on the goods specified in the registration. In view of the similarity of the respective marks and the related nature of the goods of the respective parties, it is alleged that Respondent's registered mark so resembles Petitioner's registered mark, as to be likely to cause confusion, or to cause mistake or to deceive.

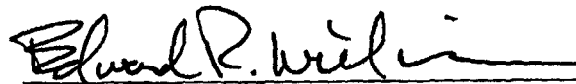
4. Petitioner has been, and is now, using the mark CHEMICLAVE in connection with the sale of dental, medical and surgical sterilization apparatus, and has used the mark CHEMICLAVE in connection with dental, medical and surgical sterilization apparatus through its predecessors since at least as early as October 4, 1973. Said use has been valid and continuous since the date of first use and has not been abandoned. The CHEMICLAVE trademark is symbolic of extensive good will and consumer recognition built up by Petitioner and its predecessors through substantial amounts of time and effort in advertising and promotion. In view of the similarity of the respective marks and the related nature of the goods of the respective parties, it is alleged that Respondent's registered mark so resembles Petitioner's mark previously

used in the United States, and not abandoned, as to be likely to cause confusion, or to cause mistake or to deceive.

5. A duplicate copy of this Petition to Copy is also enclosed. The Commissioner is authorized to deduct the Three Hundred (\$300) Dollar fee from Deposit Account No. 500300, or any other amount that is required to file this Petition. Upon and information and belief, Registrant, Sterile Technology Industries, Inc., has a current place of business at 1155 Phoenixville Pk. Unit 105, West Chester, Pennsylvania 19380.

WHEREFORE, Petitioner requests that Registration No. 1, 991,388 for the trademark "STI Chem-Clav" be cancelled and that this Petition for Cancellation be sustained.

Respectfully submitted,



Edward R. Williams, Jr.
Attorney for the Petitioner
Reg. No. 36,057
10 Pleasant Street, Suite 300
Portsmouth, NH 03801
Phone: 603-433-6131
Fax: 603-436-5076

Int. Cl.: 11

Prior U.S. Cls.: 13, 21, 23, 31 and 34

United States Patent and Trademark Office

Reg. No. 1,991,388

Registered Aug. 6, 1996

**TRADEMARK
PRINCIPAL REGISTER**

STI CHEM-CLAV

STERILE TECHNOLOGY INDUSTRIES, INC.
(INDIANA CORPORATION)
223 S. WEST STREET
LEBANON, IN 46052

FIRST USE 8-4-1995; IN COMMERCE
8-4-1995.

SER. NO. 74-723,585, FILED 8-23-1995.

FOR: WASTE TREATMENT INSTALLA-
TIONS, IN CLASS 11 (U.S. CLS. 13, 21, 23, 31
AND 34).

JANICE BAKER, EXAMINING ATTORNEY

Exhibit I

Int. Cl.: 10

Prior U.S. Cl.: 44

United States Patent Office

Reg. No. 1,002,699

Registered Jan. 28, 1975

TRADEMARK

Principal Register

CHEMICLAVE

MDT Chemical Company (California corporation)
13618 S. Alma Ave.
Gardena, Calif. 90249

For: DENTAL, MEDICAL AND SURGICAL
STERILIZATION APPARATUS, in CLASS 10 (U.S. CL.
44).

First use Oct. 4, 1973; in commerce Oct. 28, 1973.

Ser. No. 15,540, filed Mar. 11, 1974.

CHARLES R. FOWLER, Supervisory Examiner
S. D. LAPOINTE Examiner

2-150

Exhibit II

Int. Cl.: 10

Prior U.S. Cl.: 44

United States Patent and Trademark Office

10 Year Renewal

Reg. No. 1,002,699

Registered Jan. 28, 1975

Renewal Term Begins Jan. 28, 1995

**TRADEMARK
PRINCIPAL REGISTER**

CHEMICLAVE

MDT CORPORATION (DELAWARE
CORPORATION)
2300 205TH STREET

TORRANCE, CA 905011495, BY CHANGE
OF NAME AND ASSIGNMENT FROM
MDT CHEMICAL COMPANY (CALI-
FORNIA CORPORATION) GARDENA,
CA

FOR: DENTAL, MEDICAL AND SUR-
GICAL STERILIZATION APPARATUS,
IN CLASS 10 (U.S. CL. 44).

FIRST USE 10-4-1973; IN COMMERCE
10-28-1973.

SER. NO. 73-015,540, FILED 3-11-1974.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on May 16, 1995.*

COMMISSIONER OF PATENTS AND TRADEMARKS

Exhibit III

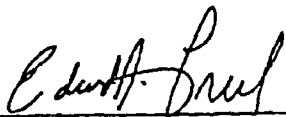
State of Delaware
Office of the Secretary of State

PAGE 1

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "MDT CORPORATION", CHANGING ITS NAME FROM "MDT CORPORATION" TO "GETINGE/CASTLE, INC.", FILED IN THIS OFFICE ON THE SEVENTEENTH DAY OF JANUARY, A.D. 1997, AT 9:01 O'CLOCK A.M.

Exhibit IV




Edward J. Freel, Secretary of State

0771299 8100
971099207

AUTHENTICATION: 8392695
03-26-97
DATE:

STATE OF DELAWARE
SECRETARY OF STATE
DIVISION OF CORPORATIONS
FILED 09:01 AM 01/17/1997
971017550 - 0771299

CERTIFICATE OF AMENDMENT
OF THE
CERTIFICATE OF INCORPORATION
OF
MDT CORPORATION

MDT Corporation, a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware, does hereby certify:

FIRST: That pursuant to a unanimous written consent of the Board of Directors of MDT Corporation, resolutions were duly adopted setting forth proposed amendments to the certificate of incorporation of said corporation, declaring said amendments to be advisable and directing that the amendments be considered by the sole stockholder of said corporation. The resolutions setting forth the proposed amendments are as follows:

RESOLVED, that the Certificate of Incorporation of this Corporation be amended by changing Article I so that as amended Article I shall read as follows:

"Name: The name of the Corporation is Geringe/Castle, Inc."

RESOLVED, that the Certificate of Incorporation of this Corporation be amended by changing Article II so that as amended Article II shall read as follows:

"Registered Agent Office: The address of this corporation's registered office in Delaware is 30 Old Rudnick Lane, Dover, DE 19901. The name of this corporation's registered agent at such address is CorpAmerica, Inc." in the county of Kent.

RESOLVED, that the Certificate of Incorporation of this Corporation be amended by changing Article III so that as amended Article III shall read as follows:

"Purposes and Powers: The nature of the business or purposes proposed to be conducted or promoted by the Corporation is to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of the State of Delaware."

RESOLVED, that the Certificate of Incorporation of this Corporation be amended by changing Article IV so that as amended Article IV shall read as follows:

- 2 -

"Authorized Capital: The total number of shares of stock which the Corporation shall have authority to issue is 2,000, which shares shall be of one class, shall be designated Common Stock and shall have a par value of \$1.25 per share."

SECOND: That thereafter, the sole stockholder of the Corporation consented to the adoption of the Amendments to the Certificate of Incorporation herein certified in accordance with the provisions of Section 228(a) of the General Corporation Law of the State of Delaware.


THIRD: That said amendments were duly adopted in accordance with the provisions of Section 242 of the General Corporation Law of the State of Delaware.

IN WITNESS WHEREOF, the Corporation has caused this certificate to be executed in its corporate name this 28th day of December, 1996.

MDT Corporation

By: 
Its: President

ATTEST:


By: Kent Nelson
Its: Secretary

**TTAB NOTICE CONCERNING CORRESPONDENCE ADDRESS
(TRADEMARK RULE 2.18)**

The Trademark Trial and Appeal Board will mail correspondence to only one address for each party.

If a party is located in the U.S., correspondence will be sent to the party's own address, unless (1) papers filed with the Board are filed by a party's attorney, (2) a written power of attorney is filed, (3) a written authorization of some other person entitled to be recognized is filed, or (4) the party requests in writing that correspondence be sent to another address. In these situations, correspondence will be sent, respectively, to (1) the attorney filing papers, (2) the attorney named in the power of attorney, (3) the other person designated in the written authorization, or (4) the other address specified by the party.

When one attorney or other authorized representative makes an appearance on behalf of a party, his address is noted on the proceeding file as the correspondence address. If a second attorney or other authorized representative makes an appearance on behalf of the party, and requests that correspondence be directed to him, the correspondence address on the proceeding file will be changed, and future correspondence will be sent to the second attorney or other authorized representative, rather than to the first one. If the second attorney or other authorized representative does not request that correspondence be sent to him, the Board will continue to send correspondence to the first attorney or authorized representative.

If a power of attorney from a party to one attorney has been filed, and thereafter another attorney or authorized representative makes an appearance on behalf of the party and asks that correspondence be sent to him, the second attorney or authorized representative will be required to submit authorization, from the party or from the first attorney, for the requested change in correspondence address.

If a power of attorney from a party to one attorney has been filed, and thereafter a power of attorney from the party to another attorney is filed, the second power of attorney will be construed as a written request to change the correspondence address from the first attorney to the second one, even if there is no revocation of the first power, unless the party or the first attorney directs otherwise. Likewise, if an attorney makes an appearance on behalf of a party, and thereafter the party files a written power of attorney to another attorney, the Board will send subsequent correspondence to the appointed attorney.

If a power of attorney from a party to one attorney has been filed, and thereafter that attorney files an "associated power of attorney" to another attorney, the correspondence address will remain unchanged, and the Board will continue to send correspondence to the first attorney, unless the first attorney or the party directs otherwise.

In the case of a party whose application is the subject of a Board proceeding, any appearance or power of attorney (or designation of other authorized representative) of record in the application file at the time of the commencement of the Board proceeding is considered to be effective for purposes of the proceeding, and correspondence will be sent initially to that address. Thereafter, the correspondence address may be changed as described in Trademark Rule 2.18.

In the case of a party whose registration is the subject of a Board proceeding, any representative which may be of record in the registration file at the time of the commencement of the Board proceeding is not considered to be effective for purposes of the Board proceeding. Rather, correspondence is sent to the registrant itself unless and until another correspondence address is established in the manner described in Trademark Rule 2.18.

THE TRADEMARK TRIAL AND APPEAL BOARD WOULD

LIKE YOU TO KNOW:

The TTAB Customer Service Center is available to

- *answer telephone inquiries
- *explain pertinent legal provisions and related administrative practices as they apply to specific cases
- *provide status information on pending cases
- *provide access to the files of pending cases
- *resolve problems

The telephone number for the TTAB Customer Service Center is (703) 308-9300, extension 0 [zero].

The Patent and Trademark Office has two special boxes for expedited processing and distribution of documents filed with the TTAB. Envelopes and transmittal letters for TTAB should be addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202, followed by one of the following designations

"Box TTAB Fee": for papers filed with the TTAB that include filing fees, such as notices of opposition, petitions to cancel, and notices of ex parte appeal

and

"Box TTAB": for all non-fee papers filed with the TTAB, such as requests for extensions of time to file notices of opposition and motions.

The TTAB Customer Service Center makes every effort to provide public access to application files, opposition files, cancellation files and concurrent use files immediately upon request for access. Files located will be made available in a central storage area accessible to the public.

Any questions, comments, or suggestions concerning TTAB service should be directed to Jean Brown, TTAB Technical Program Manager, at (703) 308-9300, extension 123; Katrina Peterson, Supervisory Legal Assistant at (703) 308-9300, extension 250 or Ralph Williams, Supervisory Legal Assistant at (703) 308-9300, extension 205.

NOTICE CONCERNING ALTERNATIVE DISPUTE RESOLUTION (ADR)

The Trademark Trial and Appeal Board encourages you to consider alternative dispute resolution as a means of settling the issues raised in this opposition or cancellation proceeding. Although more than 95% of Board proceedings are decided prior to trial (by settlement or by entry of pre-trial judgment), alternative dispute resolution techniques might produce an earlier, mutually agreeable resolution of your dispute or might, at least, narrow the scope of discovery or the issues for trial. In either case, alternative dispute resolution might save you time and money.

Many non-profit organizations, both inside and outside the intellectual property field, offer alternative dispute resolution services. Listed below are the names and addresses of organizations that have indicated that they can make arrangements for alternative dispute resolution. The listings are given for your convenience; the Board does not sponsor nor endorse any particular organization's alternative dispute resolution services.

CPR Institute for Dispute Resolution—INTA 366 Madison Avenue New York, New York 10017 Telephone: (212) 949-6490 Fax: (212) 949-8859
American Intellectual Property Law Association (AIPLA) 2001 Jefferson Davis Highway Suite 203 Arlington, Virginia 22202 Telephone: (703) 415-0780 Fax: (703) 415-0786
American Arbitration Association (AAA) Headquarters 140 West 51 st Street New York, New York 10020-1203 Telephone: (212) 484-3266 Fax: (212) 307-4387

Finally, if the parties consider using alternative dispute resolution in this proceeding, the Board would like to know; and if the parties actually engage in alternative dispute resolution, the Board would be interested to learn what mechanism (e.g., arbitration, mediation, etc.) was used and with what general result. Such a statement from the parties is not required but would be helpful to the Board in assessing the value of alternative dispute resolution in Trademark Trial and Appeal Board proceedings.

PROCEEDING SYNOPSIS

United States Patent and Trademark Office - Trademark Trial and Appeal Board
Trademark Opposition and Cancellation Proceedings Under 15 USC 1063, 1064; 37 CFR 2.101 et. seq.

FILING OPPOSITION/CANCELLATION

- ❖ Any person (Opposer) may file a Notice of Opposition within 30 days against any mark published under 15 USC 1062(a) in Official Gazette; may oppose in whole or part.¹
- ❖ Time for filing Notice may be extended by written request to TTAB. A first extension for not more than 30 days will be granted upon request. Further extensions may be granted for good cause. Extensions aggregating more than 120 days from pub. date not granted unless consented to by applicant or extraordinary circumstances. 37 CFR 2.102(c). Request should be in triplicate. 37 CFR 2.102(d).
- ❖ Any person (Petitioner) may file a Petition to cancel a registration in whole or in part, but only under conditions set forth in 15 USC 1064.² Geographic limitation will be considered by TTAB only in concurrent use proceeding. 37 CFR 2.99(h), 2.133(c).
- ❖ Opposer/Petitioner is in position of Plaintiff and Applicant/Respondent is Defendant. 37 CFR 2.116(b).
- ❖ Notice/Petition corresponds to complaint in civil action. 37 CFR 2.116(c).
- ❖ Amendment to pleadings in accord with Rule 15, Fed. Rules of Civil Procedure (FRCP). 37 CFR 2.107, 2.115.

MAILING PROCEDURES

- ❖ Certificate of Mailing or Transmission and Express Mail procedures effective for all papers. 37 CFR 1.8, 1.10.

INSTITUTION OF PROCEEDING; WITHDRAWAL

- ❖ TTAB examines Notice/Petition for formal requirements and sends notification to Defendant, generally within few weeks of filing date. Duplicate copy of Notice/Petition and Exhibits sent to Defendant. 37 CFR 2.105, 2.113.
- ❖ Notice/Petition may be withdrawn without prejudice before Defendant files Answer. 37 CFR 2.106(c), 2.114(c). With written consent of Defendant, later withdrawal may be without prejudice.
- ❖ Defendant may not abandon application or surrender registration without prejudice except with written consent of Plaintiff. 37 CFR 2.135, 2.134.

ANSWER; MOTIONS

- ❖ Time for Answer set by TTAB for 40 days from Notification mailing date.³ Counterclaim should be filed with answer or promptly upon discovery of information supporting Counterclaim. 37 CFR 2.106(b), 2.114(b).
- ❖ Time for reply to Counterclaim set by TTAB for not less than 30 days from TTAB action mailing date. 37 CFR 2.106(b), 2.114(b).

- ❖ Motions may be brought before TTAB in writing and with Brief in support. Brief in opposition thereto, 15 days (30 days for summary judgment motion). Briefs limited to 25 pages. Reply Brief, if filed, 15 days, limited to 10 pages. Reconsideration 30 days after decision; Opposition Brief, 15 days. 37 CFR 2.127. Most motions used in Federal practice are applicable.

- ❖ Motions for Summary Judgment, to Compel, and to Test Sufficiency of Responses to Requests for Admissions, if filed, due before Plaintiff testimony period opens. 37 CFR 2.127(e), 2.120(e), 2.120(h).

TRIAL DATES

- ❖ TTAB issues Order setting opening and close of Discovery and Trial dates. Discovery set for period of 180 days; 30-day Pl. Testimony period closes 90 days after close of Discovery period; 30-day Def. Test. period closes 60 days after Pl. Test. period; 15-day Pl. Rebuttal Test. period closes 45 days after Def. Test. period. 37 CFR 2.120(a), 2.121.

- ❖ In cases where Counterclaim filed, TTAB sets additional time periods for testimony and briefing.

DISCOVERY PERIOD

- ❖ Interrogatories, Reqs. for Prod. Of Docs. & Things, and Reqs. for Adm., if served, must be served by last day of Discovery period. Written Responses within 30 days from date of service of Disc. Reqs. FRCP apply except as otherwise provided. 37 CFR 2.116, 2.120(a). Extension of Time to respond to discovery granted upon cause or by stipulation.⁴

- ❖ Interrogatories limited to proceeding total of 75, counting subparts; additional interrogatories allowed upon motion for good cause or by stipulation. 37 CFR 2.120(d)(1).

- ❖ Discovery Depositions (noticed and taken within Disc. Period) in District where deponent resides or is employed. 37 CFR 2.120(a), 2.120(b). Either party may request designation of witnesses under FRCP 30(b)(6), 31(a).

PLAINTIFF'S TRIAL PERIOD

- ❖ Plaintiff's Testimony-In-Chief. Opens 60 days after Discovery Period closes, and runs for 30 days (refer to Order).

- ❖ Testimony taken by deposition upon oral examination or upon written questions. 37 CFR 2.123, 2.124.

- ❖ Plaintiff serves Transcript of testimony and copies of documentary exhibits on adverse party within 30 days after completion of taking testimony. Certified transcript and exhibits filed with TTAB. 37 CFR 2.125.

- ❖ Notice of Reliance as appropriate on Discovery Deps., Adms. and Int. Answers, with copies of same, due before close of Test. 37 CFR 2.120.⁵

- ❖ Involved app. or reg. files are in evidence for

relevant and competent purposes. Publications in gen. Circ. or in libraries, and official records, may be received if appropriate Notice of Reliance is filed and copies submitted within Test. period. 37 CFR 2.122.

- ❖ Motion under 37 CFR 2.132, if filed, due after close of Pl.'s Test. period & before opening of Def.'s.

DEFENDANT'S TRIAL PERIOD

- ❖ Opens 30 days after close of Pl.'s Test. period. Runs for 30 days.

- ❖ Test. taken by deposition upon oral examination or upon written questions. 37 CFR 2.123, 2.124.

- ❖ Notice of Reliance on Discovery responses also due within Test. period, if filed. 37 CFR 2.120.

- ❖ Notice of Reliance on gen. circ. publ. and official records due within Test. period, if filed. 37 CFR 2.122.

- ❖ Def. serves Test. transcript on Pl. within 30 days and files certified transcript and exhibits with TTAB. 37 CFR 2.125.

PLAINTIFF'S REBUTTAL PERIOD

- ❖ Rebuttal Test. period for Pl. opens 30 days after close of Def.'s Test. period and runs for 15 days.

- ❖ Pl. may file Notice of Reliance under 37 CFR 2.120, 2.122, with matter relied on, and take Test. to rebut Def. Test. and other evidence.

- ❖ Pl. serves and files Transcript of Rebuttal Test. and exhibits in accordance with 37 CFR 2.125.

BRIEFS; ORAL HEARING

- ❖ Pl. Brief due 60 days after Rebuttal period closing.⁶

- ❖ Def. Brief, if filed, due 30 days after Pl. Brief due.

- ❖ Pl. Reply Brief, if filed, due 15 days after Def. Brief due. 37 CFR 2.128.

- ❖ Separate Request for Oral Hearing, if filed, due not later than 10 days after Reply Brief due. 37 CFR 2.129.

- ❖ TTAB Notice of Oral Hearing sent to all parties.

- ❖ Oral Hearing before panel of at least three TTAB judges. 30 minutes for each party. 37 CFR 2.129.

DECISION; RECONSIDERATION; APPEAL

- ❖ TTAB Deliberation. Writing of Opinion and Decision in due course.

- ❖ Request for rehearing, reconsideration or modification, if filed, due within one month. Brief in opposition due within 15 days. 37 CFR 2.129(c).

- ❖ Any Appeal from TTAB Decision due within two months of Decision or two months after denial of req. for recon. See especially 37 CFR 2.129(d).

NOTE: *Footnotes and TTAB addresses and telephone number appear on the back of this sheet.*

FOOTNOTES

- (1) Opposer may be any legal entity including a corporation. Opposer must believe that opposer would be damaged by registration of the mark and state the reasons. 15 USC 1063 and 37 CFR 2.101. Notice of Opposition need not be verified. \$200 required fee for each class for each person opposing. 37 CFR 2.6, 2.101(b). May be signed by attorney. 37 CFR 2.101(b). Duplicate copy including exhibits required. Order status and title copies of pleaded registrations in advance and attach to Notice/Petition or introduce as evidence during Testimony-In-Chief period. 37 CFR 2.122.
- (2) Action, grounds and requirements (Footnote 1) for initiation of Cancellation proceeding are similar to those for an Opposition proceeding and are covered in 15 USC 1064, 1092 and 37 CFR 2.111, 2.112. \$200 required fee per class, per person. Duplicate copy required.
- (3) Except Notice/Petition, each paper must be served on opponent. Statement of service (date and manner) is required. Period to respond to Motions and Discovery Requests is extended 5 days when service is by first-class mail, "Express Mail," or overnight courier. 37 CFR 2.119. Action due on weekend or D.C. holiday can be taken on next business day. 37 CFR 1.7.
- (4) Resetting of time to respond to Discovery Request does not result in extension of Discovery period and subsequent testimony periods unless requested. 37 CFR 2.120(a). All consented extensions of time should be filed in triplicate and list specific dates for all subsequent periods affected.
- (5) Except for 37 CFR 2.122(e) documents, documents produced in response to Requests for Production cannot be made of record by Notice of Reliance alone. 37 CFR 2.120(j)(ii).
- (6) Briefs should be typewritten or printed, double-spaced, in at least pica or eleven-point type, on letter paper (8½ x 11). Three copies of briefs required. Alphabetical index of cases required. Length limit of 55 pages, including table of contents, index of cases, description of record, statement of issues, recitation of facts, argument, and summary. Reply brief 25 pages total. 37 CFR 2.128(b).

ADDRESSES AND TELEPHONE

All papers not requiring a fee should be mailed to:

Box TTAB No Fee
Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

NOTE: For papers with fee, use "Box TTAB Fee"

TTAB Office Location and Telephone Number

2900 Crystal Drive
South Tower, Suite 9B40
Arlington, Virginia 22202-3513

Telephone: (703) 308-9300

EQUAL OPPORTUNITY EMPLOYER

FIRST
CLASS



U.S. OFFICIAL MAIL

PENALTY
FOR
PRIVATE
USE \$300

103

PB METER
7251214

U.S. POSTAGE



LEFT NO ADDRESS
DELIVERABLE AS ADDRESSEE
TO FORWARD
NOTED - NOT KNOWN
REFUSED
STREET NUMBER
REMAIN IN THIS ENVELOPE
RECEIPT ADDRESS
NO ORDER

92040052

Sterile Technology Industries,
Inc.
223 S. West Street
Lebanon, IN 46052

- ☐ MOVED, LEFT NO ADDRESS
- ☐ FORWARDING ORDER EXPIRED
- ☒ ATTEMPTED - NOT KNOWN
- ☐ UNCLAIMED ☐ REFUSED
- ☐ NO SUCH STREET-NUMBER
- ☐ DO NOT REMAIL IN THIS ENVELOPE
- ☐ INSUFFICIENT ADDRESS
- ☐ NO MAIL RECEIPT
- DATE 10/1 ROUTE NO 11 CARR/INIT

Return
Not at this
address